

ESTTA Tracking number: **ESTTA774558**Filing date: **10/04/2016**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Petition for Cancellation**

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	BIG IP OPCO, LLC		
Entity	limited liability company	Citizenship	Utah
Address	631 North 400 West Salt Lake City, UT 84103 UNITED STATES		

Attorney information	Eric Jeppsen BTJD 3165 E. Millrock Drive Suite 500 Salt Lake City, UT 84121 UNITED STATES ejeppsen@btjd.com Phone:(801) 438-2000
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Registration Subject to Cancellation

Registration No	4447241	Registration date	12/10/2013
Registrant	Ghazaleh, Joudeh #106 Herndon, VA 20171 UNITED STATES		

Goods/Services Subject to Cancellation

Class 026. First Use: 2013/01/16 First Use In Commerce: 2013/03/18 All goods and services in the class are cancelled, namely: Arm bands; Artificial corsages; Artificial flower arrangements; Artificial flower arrangements in containers; Artificial flower wreaths; Artificial flowers; Artificial flowers of paper; Artificial flowers of plastics; Artificial flowers of textile; Artificial plants; Artificial wreaths; Bows for wrapping; Decorative ribbons; Embroidered patches for clothing; Hair bands; Hair bows; Hair ornaments; Hat ornaments not of precious metal; Permanent botanicals in the nature of artificial flowers and plants; Ribbons; Ribbons for wrapping; Ribbons of textile materials; Silk flowers
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Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)
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Marks Cited by Petitioner as Basis for Cancellation

U.S. Application No.	86935993	Application Date	03/10/2016
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	DONNA BELLA		

Design Mark	DONNA BELLA
Description of Mark	NONE
Goods/Services	Class 026. First use: First Use: 2006/09/01 First Use In Commerce: 2006/09/01 Hair extensions

U.S. Application No.	86935997	Application Date	03/10/2016
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	DONNA BELLA HAIR		
Design Mark	DONNA BELLA HAIR		
Description of Mark	NONE		
Goods/Services	Class 026. First use: First Use: 2006/09/01 First Use In Commerce: 2006/09/01 Hair extensions		

Attachments	86935993#TMSN.png(bytes) 86935997#TMSN.png(bytes) 01a Petition to Cancel - DONNA BELLA 2016 10 04.pdf(19511 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Eric Jerpsen/
Name	Eric Jeppsén
Date	10/04/2016

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

BIG IP OPCO, LLC, a Utah limited liability
company

Petitioner,

vs.

JOUDEH GHAZELEH, an individual,

Respondent.

Opposition No. _____

In the matter of

Trademark Registration No. 4,447,241

Registered on December 10, 2013

Mark: DONNA BELLA

PETITION TO CANCEL

1. Petitioner BIG IP OPCO, LLC (“Petitioner”), a Utah limited liability company with a principal place of business at 631 North 400 West, Salt Lake City, UT 84103, believes that it will be damaged by Registration No. 4,447,241 for the mark DONNA BELLA (the “Registration”), and hereby petitions, in accordance with 37 CFR § 2.111(b), to cancel the Registration.

2. To the best of Petitioner’s knowledge, the name and address of the current owner of the Registration are Joudeh Ghazeleh, 13323 Glen Echo Circle #106, Herndon, VA 20171.

3. According to the Registration, Respondent first used the DONNA BELLA mark on January 16, 2013, and first used the mark in commerce on March 18, 2013.

4. Petitioner has used the marks DONNA BELLA and DONNA BELLA HAIR in commerce continuously since September 1, 2006.

5. Petitioner's use of the DONNA BELLA and DONNA BELLA HAIR marks has priority over Respondent's use of the DONNA BELLA mark.

6. Furthermore, upon information and belief, Respondent does not use the DONNA BELLA mark in commerce and has not since 2013.

7. On March 10, 2016, Petitioner filed application no. 86935993 for the mark DONNA BELLA and application no. 86935997 for the mark DONNA BELLA HAIR (collectively, the "Applications").

8. The USPTO has refused to register Petitioner's marks because of a likelihood of confusion with Respondent's DONNA BELLA mark as depicted in the Registration.

For the foregoing reasons, Respondent's Registration No. 4,447,241 for the mark DONNA BELLA is damaging to Petitioner; therefore, Petitioner respectfully requests that this petition to cancel be granted and that Registration No. 4,447,241 be canceled.

DATED this 4th day of October, 2016.

Eric Jeppsen
BENNETT TUELLER JOHNSON & DEERE
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Attorney for Petitioner

/ Eric Jeppsen /

Eric Jeppsen

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing PETITION TO CANCEL has been served on Joudeh Ghazeleh by email to freedomborn@hotmail.com and by mailing said copy on October 4, 2016, via First Class Mail, postage prepaid, to the following address:

Joudeh Ghazeleh
13323 Glen Echo Circle #106
Herndon, VA 20171

/s/ Eric Jeppsen